

MINUTES
BOARD OF SUPERVISORS
COUNTY OF YORK

Adjourned Meeting
December 11, 2001

6:00 p.m.

Meeting Convened. An Adjourned Meeting of the York County Board of Supervisors was called to order at 6:01 p.m., Tuesday, December 11, 2001, in the East Room, York Hall, by Chairman James S. Burgett.

Attendance. The following members of the Board of Supervisors were present: Walter C. Zarembo, Donald E. Wiggins, James S. Burgett, and Thomas G. Shepperd, Jr.

Sheila S. Noll was absent.

Also in attendance were James O. McReynolds, County Administrator; and James E. Barnett, County Attorney.

WORK SESSION

UTILITIES STRATEGIC CAPITAL PLAN

Mr. McReynolds indicated that the Strategic Capital Plan is reviewed and revised as necessary every two years. Mr. Hudgins and Mr. Woodward from Environmental and Development Services were present to provide an explanation of the changes in the program and the criteria for the utilities projects.

Mrs. Noll arrived at 6:02 p.m.

Mr. John Hudgins, Director of Environmental and Development Services, made a presentation with the use of visual aids providing the Board with an update to the Strategic Capital Plan. He noted there had been no change to the format or criteria for the plan. The County has provided \$30 million to projects in the extension program since 1994, and there are \$16 million in projects currently on line. He then reviewed the sewer, water, and stormwater scoring criteria for the utilities projects. He also reviewed the plan development factors and the project ranking in each of the three areas.

Mr. Wiggins indicated he was glad to see Rocky Road, Burts Road, and Cheadle Loop added to or moved up on the project list.

Mr. Zarembo asked for an explanation of the survey process that takes place to get citizen input as to whether or not a residential area wants to have water extended.

Mrs. Noll asked if staff followed up on the survey letter.

Mr. Brian Woodward, Chief of Utilities, explained the survey process, noting that 65 percent of the individuals surveyed about a project have to answer affirmatively in order for the project to go forward. As the results get nearer the 65 percent requirement, staff follows up with those

who have not yet answered the survey and provides more information if needed. He stated that at a minimum two letters go out on every project.

Discussion followed on the ranking and time frame for construction of the water projects.

Mr. Shepperd asked how the Environmental and Development Services staff determined that they had captured all the sites needing water.

Mr. Woodward indicated the staff has very good maps. All the plans were laid out, and staff added those areas that were on the maps that were obviously lacking water service.

Mr. Hudgins continued his review, discussing and reviewing the sewer projects.

Discussion followed on the time frame for construction of the sewer projects.

Mr. McReynolds discussed the projects contained in the out years of the program. Some of them have different soils that make septic tank systems an acceptable method of sewage disposal, and the Board may want to look at these areas as areas where there would be no need for sewer extension because of the high costs or good soils. He stated that at some time the Board might want to look at making sewer optional in certain areas where today it is mandatory.

Chairman Burgett asked if this project information will be on the Internet.

Mr. McReynolds stated it would be posted on the Internet with a copy of the briefing and the schedules.

Mr. Zaremba indicated that in Queens Lake the water project was rated at 5 and the sewer project rated at 8, but the implementation schedule indicates the two projects will be done at the same time, and he asked if that was correct.

Mr. Hudgins explained it was correct. He stated it was one of the planning factors considered in the process. He then reviewed the stormwater projects, stating there had been no changes since July of this year.

Chairman Burgett stated staff did a good job; the plans were very good yet flexible. He stated they needed to be because circumstances change.

Mr. Hudgins then addressed the current utility rates for sewer and water. He stated there is no fee for stormwater at this time, but this may change as the County moves into the Federal stormwater regulations. He then discussed the sewer service rate setting model and its elements in terms of costs and revenues.

Mr. Wiggins stated he felt it was important to note that the sewer fees carry themselves and don't have to come out of the General Operating Fund.

Mr. Hudgins continued his explanation of the model elements. He indicated that according to the model the rate for 2003 should be \$33.52 as the bi-monthly fee. He stated staff was recommending that the bi-monthly fee be raised to \$34.00 starting in FY03, and he noted that the fee had not been raised since 1993.

December 11, 2001

Discussion followed on the efficiencies and economies seen in the utilities system over the past 10 years.

Mr. Shepperd asked why the recommendation was for \$34.00 when the model indicated \$33.52.

Mr. McReynolds explained it was because another increase would also be needed for FY04 as well. Rather than have the Board raise the rate two years in a row, staff was recommending an average rate that would carry through FY04.

Mr. Hudgins then stated that staff was also recommending an increase in the connection fee from \$2,875 to \$3,300 effective FY03. He explained the reasons include higher construction costs and the projects are getting more difficult. He stated the last increase in connection fees took place in 1998.

Discussion followed on the County's grant program for low income families needing assistance with the fees, as well as other financial arrangements that the County provides for individuals to pay over a period of time.

Mr. Wiggins asked how the County compares with other localities.

Mr. Woodward directed the Board's attention to the comparison chart appearing in the briefing book

Mr. Hudgins noted York was not the highest nor the lowest in terms of fees. He explained that localities like Hampton are built out, and the cost of putting in sewer there is far below what it costs York County.

Mr. Zaremba suggested that the developer connection fees needed to be raised to that of other local jurisdictions.

Chairman Burgett stated the bottom line is that there is inflation each year, and York's costs are increasing because of the difficulty of the projects and the rising costs of construction.

Mr. Zaremba spoke of the 4-12 percent increase in York's real estate assessment that results in an increase in taxes paid by the citizens even though the tax rate remains at \$.86/\$100. He asked for an explanation of the 4 percent contingency.

Mr. Hudgins indicated a contingency reserve is always programmed when pricing equipment and other costs of construction projects. The contingency was reviewed in this recent study, but staff was looking at raising it instead of lowering it.

Discussion followed on the contingency reserve for the utilities systems.

Mrs. Noll suggested that in the future staff look at reevaluations of the system and potential increases for the odd years to the real estate assessment increases.

Mr. Shepperd asked how Mrs. Noll's suggestion would play out in the County's budget planning.

Mr. McReynolds stated if that was the Board's policy, it would be brought into the budget planning process; and he stated he felt staff could adequately plan for it. Part of the reason that the Board has opted not to add these service fees into the real property tax rate is because some of

the services are either elective or not provided throughout the County. These utility funds are self-supporting by the individuals who receive the services. Mr. McReynolds stated that as the County approaches 100 percent availability, then the Board might wish to take a look at putting the fees in the real estate tax rate in order for the citizens to use the fees as a deduction on their tax returns.

Chairman Burgett noted his agreement with Mrs. Noll to delay the increase until next year to put it on the odd year from the real estate assessment.

Mr. Hudgins stated it could be done, but next year the needed fee would be larger.

Mrs. Noll asked if the Board would be jeopardizing the planning for any of the current projects if it opted to wait until next year for the fee increase.

Mr. Hudgins stated the current model is dependent on the staff's proposal, and he couldn't answer the question at this time because the numbers would have to be run back through the model without the increase. Even with the rate increase, he stated the County would still be tipping into the cash reserve.

Chairman Burgett suggested just increasing the bi-monthly fee this year and wait until next year to raise the connection fees.

Mr. Wiggins stated he did not want to do anything that would jeopardize the progress of the projects on the list.

Mr. Woodward stated that without a rate increase, one of the major projects will have to be delayed at least one year to make up for lost revenue.

Mr. McReynolds stated another alternative would be to look at a 3-year rate increase that would be a little above the \$34.00. This would put the Board on the cycle it wants. He suggested that the Board allow staff to review some options and get back to the Board with another recommendation.

Mr. Shepperd stated he would not be interested in any proposal that would bounce any of the major projects.

Mr. McReynolds stated the bi-monthly fee is tied to the routine operation of the existing system rather than the expansion of the system. The connection fees deal more with the expansion of the system.

By consensus the Board directed staff to review other options and return to the Board with other alternatives.

STORMWATER ADVISORY COMMITTEE

Mr. Hudgins discussed the Stormwater Advisory Committee charter he had drafted to develop recommendations for goals, objectives, and implementation strategies to meet the NPDES and VPDES MS4 Phase II rules for implementation of the first two control measures of public education/outreach and public involvement/participation. The charter would also include the review of the stormwater management program, development of education programs, attendance at public hearings by the committee members, and the recruitment of volunteers in

December 11, 2001

organizing monitoring efforts. He explained that the proposed composition of the committee would be one citizen from each district, one citizen at large experienced with stormwater and environmental planning and design, and one citizen at large experienced in public outreach and education. Mr. Hudgins stated the plan was for the committee to meet quarterly. The meeting times would be flexible and would depend on where the County was at meeting the Federal program.

Mrs. Noll stated subcommittees could be set up to meet certain outreach needs.

Mr. Hudgins agreed there was a lot of potential with the establishment of the committee.

Chairman Burgett stated the former Drainage Committee set a list of priorities and objectives that the Board needs to work on. He asked if this group would monitor progress of the projects.

Mr. Hudgins indicated it would, and the members would also provide input into other projects. One of the valuable assets of the former Drainage Committee was that there were individuals on the committee who became a tool to report in and provide information on the actual problems when there was a major storm event. They became a part of the solution in developing the current program. This same theory would be included in the new committee.

Mr. Wiggins stated he would like to see more citizens on the committee, but he realizes how a large committee is hard to work with. He stated he feels the proposed committee will be dynamic, and he expressed his appreciation to Mr. Hudgins for writing the charter.

Mr. Shepperd noted his agreement with Mr. Wiggins, and stated Mr. Wiggins did a tremendous job of leading the original committee.

Chairman Burgett stated another alternative proposal would be for each member of the committee to have their own district subcommittee. These individuals could come to meetings, but not vote. Then the size would be unlimited.

Mr. Shepperd asked if the new committee would have any tasking authority for the County staff.

Mr. McReynolds indicated it would be an advisory committee only.

Mr. Shepperd asked if a VDOT representative would be included.

Mr. Hudgins stated he felt a VDOT representative would be a very good idea.

Discussion then followed concerning the NPDES and VPDES MS4 rules and the control measures in the Phase II program.

Mr. Hudgins noted that because of the Bay Act, the County has already taken care of the post-construction stormwater and pollution/prevention in municipal operations. He stated a number of required steps have already been implemented by the County.

Mr. Zaremba indicated he remembered a briefing the Board received about four years ago on this subject, and there was discussion as to major potential costs for implementation of Phase II. He asked if staff anticipates any significant costs at this time.

Mr. Hudgins stated the answer was not known at this time. He indicated he was sitting on the committee with the Hampton Roads Planning District Commission (HRPDC) regarding the Phase II development. The State is in the process of developing its implementation rules to regulate the program. One of the big questions having to do with money is what happens to the stormwater detention ponds in the localities and who is going to regulate them. He indicated there would be significant costs involved if the localities have to do the regulating and maintenance. In order to do this, Mr. Hudgins stated the County will have to consider a stormwater fee.

Mr. Shepperd noted it sounded like another unfunded State mandate.

Mr. Hudgins indicated HRPDC was trying to develop a program that the localities could share to reduce the costs.

Mr. Wiggins stated the BMPs being developed today must be looked at to make sure the localities aren't saddling themselves with problems in the future.

Mr. Hudgins noted staff was doing that and has been since 1997. He spoke of the need for maintenance on many of the BMPs in the older subdivisions.

Mr. Zaremba stated his purpose in bringing the cost up is that what appears to be a very innocent endeavor has the potential for having some very major costs associated with it, and the Board needs to be kept informed on its progress.

Mr. McReynolds stated that staff would prepare the necessary paperwork to formalize the proposed committee to bring to the Board for approval.

Mr. Shepperd indicated his desire to work with staff on this committee because he was a member of the previous Drainage Committee.

TAX EXEMPTION REQUEST FOR CARITAS (Not on Agenda)

Mr. Barnett explained that the original resolution adopted by the Board in support of the tax exemption for the Caritas Center did not contain all the required information for the Division of Legislative Services to prepare a bill for the General Assembly's consideration. He indicated that proposed Resolution R01-233 has been prepared for the Board's consideration which contains all the required information.

Mr. Wiggins moved the adoption of proposed Resolution R01-233 that reads:

A RESOLUTION TO AMEND RESOLUTION R01-187, SUPPORTING
THE REQUEST OF CARITAS OF YORKTOWN, VIRGINIA, A VIR-
GINIA NON-STOCK CORPORATION, TO BECOME EXEMPT FROM
PROPERTY TAXATION

WHEREAS, Caritas of Yorktown, Virginia ("Caritas") has forwarded to the Board a request for support for a real and personal property tax exemption which Caritas desires to seek from the Virginia General Assembly; and

WHEREAS, § 30-19.04 of the Code of Virginia addresses such exemptions and subsection B of § 30-19.04 requires that the local governing body advertise and conduct a public hear-

December 11, 2001

ing and consider a series of questions prior to adopting a resolution supporting the requested exemption; and

WHEREAS, the required public hearing has been advertised and conducted and the Board of Supervisors has duly examined and considered the questions contained in subsection B of § 30-19.04 of the Code of Virginia; and

WHEREAS, the Board of Supervisors has determined that real estate currently owned by Caritas is assessed for the year 2001 at a total value of \$533,900.00 (\$213,000.00 for the land and \$342,900.00 for improvements) for which a real estate tax was levied in the amount of \$4,700.74;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 11th day of December, 2001, that this resolution be, and is hereby, adopted in support of the request of Caritas to become exempt from property taxation.

BE IT FURTHER RESOLVED that it is recommended that the property of Caritas be classified as property used for charitable and benevolent purposes in accordance with those tax exemption categories set out in Code of Virginia § 58.1-3650.

BE IT FURTHER RESOLVED that this Resolution R01-233 shall supercede and replace Resolution R01-187 adopted on October 16, 2001.

On roll call, the vote was:

Yea: (3) Zaremba, Wiggins, Burgett
Nay: (2) Noll, Shepperd

CLOSED MEETING. At 7:27 p.m. Mr. Wiggins moved that the Board convene in Closed Meeting pursuant to Section 2.2-3711(a)(3) of the Code of Virginia regarding the acquisition of public property for a public purpose; and Section 2.2-3711(a)(7) regarding consultation with legal counsel on a legal matter.

On roll call, the vote was:

Yea: (5) Noll, Wiggins, Shepperd, Zaremba, Burgett
Nay: (0)

Meeting Reconvened. At 7:42 p.m. the meeting was reconvened in open session by order of the Chair.

Mrs. Noll moved the adoption of proposed Resolution SR-1 that reads:

A RESOLUTION TO CERTIFY COMPLIANCE WITH THE FREEDOM
OF INFORMATION ACT REGARDING MEETING IN CLOSED SES-
SION

WHEREAS, the York County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.1 of the Code of Virginia requires a certification by the York County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED by the York County Board of Supervisors this the 11th day of December, 2001, hereby certifies that, to the best of each member's knowledge, (1) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (2) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed, or considered by the York County Board of Supervisors.

On roll call, the vote was:

Yea: (5) Wiggins, Shepperd, Zaremba, Noll, Burgett
Nay: (0)

Meeting Adjourned. At 7:45 p.m. Mr. Wiggins moved that the meeting be adjourned sine die.

On roll call, the vote was:

Yea: (5) Shepperd, Zaremba, Noll, Wiggins, Burgett
Nay: (0)

James O. McReynolds, Clerk
York County Board of Supervisors

James S. Burgett, Chairman
York County Board of Supervisors

NOTE: In accordance with Section 15.2-1241 of the Code of Virginia, the minutes of this meeting were read at the February 5, 2002, Regular Meeting of the Board of Supervisors, and Chairman Wiggins was directed to sign such.